



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

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Public Hearing Date: July 10, 2007
Land Use Action Date: TBD
Board of Aldermen Action Date: September 17, 2007
90-Day Expiration Date: October 8, 2007

TO: Board of Aldermen

FROM: Michael Kruse Director of Planning and Development
Nancy Radze , hief Planner
Alexandra Ananth, Planner

DATE: July 6, 2007

SUBJECT: Petition #200-07 of SEAN LEARY for a SPECIAL PERMIT/SITE PLAN APPROVAL to add two units of housing with garages to an existing single-family house at 94 CRESCENT STREET, AUBURNDALE, Ward 3, on land known as Sec. 33, Blk. 6, Lot 35, containing approx. 20,440 sq. ft. of land in a district zoned MULTI-RESIDENCE 1.

CC: Mayor David B. Cohen

EXECUTIVE SUMMARY

The petitioner is proposing to add two attached dwelling units to an existing single-family dwelling for a total of 3 attached dwelling units on a 20,440 sq. ft. lot. The petitioner is proposing 6 parking spaces, all of which are in proposed garages.

I. ELEMENTS OF THE PETITION

The petitioner is seeking approval of a special permit to allow for three attached dwelling units, on the 20,440 sq. ft subject property. As proposed, two new attached dwelling units would be added onto the rear of an existing single-family dwelling. The petitioner is proposing a total of 6 parking stalls on site, all in garages.

The subject property is located in a Multi-Residence 1 District, which accommodates single- and two-family dwellings as of right, and attached dwelling units subject to the grant of a special permit.

The subject project is located on the east side of Crescent Street between Sharon Avenue and Robinhood Street and is currently improved with a single-family residence. The lot is relatively level. The site is abutted by two-family residences to the north and south and by an NStar electric transmission station to the east. There is a 10 ft. wide easement, which runs along the southerly side lot line for underground electric transmission lines that connect to the transmission station located on NStar's parcel.

The subject lot was created in 1894 and is considered a pre-53 lot.

II. ZONING RELIEF BEING SOUGHT

Based on the Chief Zoning Code Official's (CZCO) written determination, dated June 6, 2007 (SEE ATTACHMENT "A"), the petitioner is seeking relief from or approvals through the following sections of the Zoning Ordinance:

- 1. Section 30-9(b)(5) allows the Board of Aldermen to grant a special permit in a Multi-Residence District for single family attached dwellings in one group;*
- 2. 30-15, Table 1 & 30-9(b)(5)b) allows the Board of Aldermen to grant a special permit to reduce the side setback from 25 ft. to 10.1 ft. along the northerly side lot line;*
- 3. Section 30-15(m)(5) & 30-19(m) allows the Board of Aldermen to grant a special permit to allow more than one garage per dwelling, i.e. 2 single-car garages at Unit #2, one on either side of the proposed unit;*
- 4. Section 30-23 for approval of proposed site plans including landscape plan; and*
- 5. Section 30-24(d) for approval of special permit.*

Although the CZCO also notes that the petitioner needs relief from Section 30-19(g)(2) which allows the Board of Aldermen to grant a special permit to reduce the dimensions of two parking stalls within the two single-car garages of Unit #2, plans have now been revised to show two conforming stalls in these garages and, therefore, a waiver is no longer needed for these stalls.

III. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board should consider the following:

- > Whether the specific site is an appropriate location for three (3) attached dwelling units;*
- > Whether the three attached dwelling units and associated new curbcut, driveway, and parking area will result in any vehicular or pedestrian safety concerns; and*
- > Whether the design, mass, and scale of the proposed units and associated parking areas are appropriate to the site and character of the neighborhood.*

IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site

The subject property consists of a 20,440 sq. ft. lot located along the east side of Crescent Street between Sharon Avenue and Robinhood Street, in Auburndale. The site is relatively level, and is improved with a circa 1900s 2-story vernacular style vinyl-sided single-family residence. A 12 ft. wide paved driveway located towards the middle of the front lot line leads back to a wider surface parking area. There is a small shed located deeper into the site. A 10 ft. wide easement runs the length of the southerly side lot line with underground electric lines that connect to the landlocked NStar properties located in the middle of the block. There are a number of mature trees along the perimeter of the lot.



Existing single family house at 94 Crescent Street



Rear of lot

B. Neighborhood and Zoning

The subject property is located in Auburndale, one block south of the MassTurnpike. The parcel is part of a sizable residential area that is for the most part zoned Multi-Residence 1. The block itself consists of a mix of single- and multi-family (generally two-family) residential uses. The site is abutted to the rear by Nstar-owned land. The City's **Parks** and Recreation Department offices and maintenance yard is located at the end of the block adjacent to Robinhood Street and the MassTurnpike.

V. TECHNICAL ANALYSIS

A. Dimensional Controls (Section 30-15)

The following table compares the proposed 5-unit attached dwelling development to the technical requirements in Section 30-15 as follows:

Attached Dwellings in Multi-Residence 1 (by special permit)	Required (for Attached Dwellings)	Existing	Proposed
Minimum lot size	15,000 sq. ft.	20,440 sq. ft.	20,440 sq. ft.
Minimum lot area per unit	4,000 sq. ft.	20,440 sq. ft.	6,813 sq. ft.
Frontage	80 ft.	80 ft.	80 ft.
Setbacks			
Front	25 ft.	35.2 ft.	30.2 ft.
Side (east)	25 ft.	10.1 ft.	10.1 ft.
Side (west)	25 ft.	46 ft.	30 ft.
Rear	25 ft.	157 ft.	35.8 ft.
Building height	30 ft.	To be provided by petitioner	29.96 ft.
Max. # of stories	2 1/2-stories	2 stories	2Y2-stories
Max. Floor Area Ratio (FAR)	-- ¹	—.07	.37
Max. lot coverage	25%	4.6%	24.2%
Min. open space	50%	87.8%	55.6%
Min. driveway setback	10 ft.	10 ft.	10 ft.

As illustrated above, the proposed site and both buildings meet the dimensional requirements for attached dwellings in a MR-1 District except for the existing and proposed east side setback. The existing house is 10.1 ft. off the east side lot line. The Planning Department notes that a portion of the proposed addition is also as close as 10.1 ft. off the same lot line.

Section 30-15, Table 1, establishes the FAR of 0.4 for single- and two-family dwellings in the MR-1 District, *but provides no maximum limit for attached dwellings, allowed by special permit.* The maximum FAR allowed is subject to the discretion of the Board of Aldermen, pursuant to the special permit review and approval process. The proposed FAR for this project is .37, which is slightly less than the FAR that would be permitted by right for a two-family dwelling.

¹ The Zoning Ordinance does not include a Maximum F.A.R. for attached dwelling, which would be granted through a Special Permit.

C. Parking Requirements (Section 30-19)

The following chart illustrates how the proposed project meets the applicable parking requirements for the proposed 3-unit attached dwelling development.

13 Elm Street Parking Analysis	Ordinance	Proposed
Min. # of parking stalls	6	6
Setbacks MR1 Zone		
Front	25 ft.	All garaged
Side	25 ft.	
Rear	25 ft.	
Min. stall dimensions	9 ft. x 19 ft.	9 ft. x 19 ft.
Entrance/Exit Drives	12 ft. (min.)/20 ft. (max)	16 ft.
Main driveway	14 ft.	16 ft.

As shown in the table above, the proposed project meets the off-street parking requirements established in Section 30-19. The petitioner is proposing 6 parking stalls on site, two for each unit, all garaged. Unit 2 however has two one-car garages, one on each side of the proposed unit, for which the petitioner is seeking a special permit. The petitioner is proposing a 16 ft. wide driveway that widens to 12 ft. in front of Unit 2 and 3. However, 4 ft. wide flush pavers run alongside these units making the driveway effectively 16 ft. wide in order to accommodate emergency vehicles. ,

D. Inclusionary Units (Section 30-24(0)(3))

Section 30-24(f)(3) requires that 15% of the total number of units, in this case one (1) unit, be designated for affordable housing where a special permit is required for development. However, Section 30-24(0)(4), Cash Payment, allows an applicant to make a cash payment-in-lieu of providing an affordable unit when the total number of dwelling units proposed in the development will not exceed six units. ***The petitioner has stated that the applicant intends to make a cash payment pursuant to Section 30-24(0)(4).***

E. Relevant Site Plan Approval Criteria

1. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements.

The proposed circulation pattern indicates that a new 16 ft. wide curb cut and driveway will extend from Crescent Street back to the last unit with a small turn out in front of that unit. Though the driveway appears to be 16 ft. in width, the petitioner is proposing 4 ft. wide flush pavers in front of the proposed additional units in order to give the appearance of a narrower driveway yet still maintain sufficient access for emergency vehicles. This driveway will run for approximately 190 ft. (or most of the length of the proposed 3-unit attached dwelling structure). The petitioner is proposing that the 10 ft. wide easement along the easterly property line be maintained.

The petitioner is proposing 6 parking stalls on site, two for each unit, all garaged. All of the parking stalls appear to be adequately sized however the Planning Department notes that unit two would have two single car garages, one on each side of the unit, requiring a special permit.

The Planning Department also notes there is a wide paved area towards the front of the site, adjacent to the existing house. This area does not appear to be labeled and the Planning Department questions the need for this additional paving. At the public hearing, the petitioner should be expected to describe the intended of this area, if any, and the possibility of removing any unnecessary impervious surface on-site. If this area is intended for visitor parking the use of alternative materials should be explored.

Though the Planning Department does not foresee any adverse impacts for vehicular movement within the site or in relation to adjacent properties/streets the Planning Department has concerns relating to the length of the proposed structure due to the attached garages. At the various meetings with the petitioner, the Planning Department suggested detaching the garages for at least one of the proposed units in order to break up the length and mass of the proposed development from abutting properties. The petitioner has responded by stating that the "market" is interested in attached garages.

2. Screening of parking areas and structures on the site from adjoining premises or from the street.

The lot is surrounded by many mature trees, particularly around the perimeter lot lines. Though the center of the lot is generally free of trees, the petitioner plans to remove two (2) trees on-site, a 26 inch Oak and a 7 inch Maple, for a total of 33 caliper inches. The petitioner expects to be able to meet the City's Tree Preservation Ordinance, but should be expected to provide evidence of having received a Tree Removal Permit from the City's Tree Warden prior to this item being scheduled for a Working Session.

In addition to the existing perimeter screening, the petitioner is proposing two Pear trees, two Blue Spruce trees, and one Cherry Tree in the front yard. The petitioner is also proposing a 6 ft. tall fence around the majority of the site. Although the proposed landscape plan is generally sufficient when combined with existing screening, the Planning Department would recommend that the petitioner consider taller trees in order to help break up the mass of the proposed addition which is quite tall.

3. Avoidance of major topographical changes.

The site is generally level and the project is designed to work with the existing topography. The plans do not indicate any changes of grade in excess of 3 ft.

The Associate City Engineer notes in his written report, dated June 28, 2007 (*SEE ATTACHMENT "B"*), that the drainage analysis is correct and all runoff from impervious areas are infiltrated on site. He also notes that in concert with the installation of the utilities and new granite curbing, concrete sidewalks along Crescent Street should be replaced.

The Fire Department has reviewed the site plans for accessibility and water supply and requests that the petitioner submit evidence that the pavers can handle the weight of their fire apparatus and that, if approved, a condition be placed in the Board Order that the driveway be kept clear of snow, and that all three units be sprinkled. ***The petitioner should be expected to address these issues at the Public Hearing.***

4. Consideration of site design including the location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements including scale, materials, color, roof and cornice lines.

The three-unit structure will be approximately 185 ft. long and 32 ft. deep. Though the Planning Department notes the varying offsets between units and garages help break up the mass of the façade, the length appears excessive and the Planning Department continues to recommend that the petitioner consider breaking up the structure with detached garages. As proposed, the existing dwelling unit (with addition) is approximately 2,376 sq. ft. including the two car garage, and the two new units are 2,560 sq. ft. including garages. The petitioner is also proposing to add a new front porch to the existing house, in keeping with the existing structure as originally built.

All of the units appear to be 2½-stories tall. The Planning Department notes that the two new dwelling units have an average height of 29.96 ft, which appears to be out of scale with and towering over the existing structure. Though the petitioner has not stated the height of the existing structure the Planning Department notes that a large dormer will be added potentially altering the height of the existing structure which already appears very tall as viewed from the street. ***The Planning Department strongly recommends that the petitioner reduce the height of the proposed additional units to appear less than or equal to the height of the existing structure.***

The existing structure is 10.1 ft. from the northerly side lot line, complying with the pre-1953 side setback requirement of 7.5 ft. However, when converted to an attached dwelling unit, Unit 1, as well as the two proposed new units will encroach within the 25 ft. side setback, necessitating relief. However, the Planning Department acknowledges the petitioner exceeds the side setback on the opposite side (easterly side lot line) and is therefore not particularly concerned.

The petitioner is proposing wood clapboard siding for all of the units, but does not appear to have specified proposed materials for the roofs or windows. ***At the Public Hearing, the petitioner should be expected to specify these materials and submit updated plans.***

Although there is a range of Floor Area Ratios in the immediate neighborhood, the proposed units will be larger than most and much larger than the average floor area/unit. In relation to the land area, the development will be significantly larger than the average for the neighborhood (average FAR for the neighborhood = —0.13 (though none of the units have attached garages); the proposed FAR = 0.36) as based on information compiled (and used for purposes of estimating) from the City Assessor's database. It should be noted that this information includes gross floor area only, which may not exactly match actual conditions but should be assumed to be a reasonable approximation. It is also noted that the lot area per unit is significantly less than the neighborhood average (as proposed, 6,813 per unit).

Though not close, the site could be considered to be within walking distance of both Auburndale and West Newton village centers. The site is also within walking distance of an MBTA commuter rail station and an MBTA express bus stop. The Planning Department is less concerned with the density of the project (units/acre) than the overall height and length of the proposed structure and overall bulk. *The Planning Department would recommend that the petitioner consider reducing the height of the proposed new units and detach one or more of the garages in order to reduce the length of the proposed structure and to avoid towering over the existing original structure.*

While the petitioner has submitted no information pertaining to lighting, the petitioner is expected to comply with the City's Light Ordinance as set out in Section 20-23. *The petitioner will be expected to submit a photometric plan of the site, prior to the issuance of a building permit, to assure compliance with this section of the Ordinance.*

5. Adequacy of disposal of wastes.

The petitioner has not indicated where trash will be stored for collection. ***The petitioner should be expected to provide further information on this subject at the upcoming Public Hearing. The petitioner should also clarify how snow removal will be handled.***

6. Avoidance of the removal or disruption of historic resources on or off-site.

The existing single-family residence is believed to have been built circa 1900s and is considered to be "historically significant." Although the existing original rear façade of this structure was determined to be "preferably preserved," the City's Senior Preservation Planner has reviewed the current set of plans and determined that proposed alterations will not affect this portion of the structure, thus no further review by the Newton Historical Commission is needed (*SEE ATTACHMENT "C"*)jt

F. Relevant Special Permit Criteria

1. The specific site is an appropriate location for such use/structure.

The site is located in a Multi-Residence 1 District, which is comprised primarily of a mix of single- and two-family dwellings. Given that the proposed design meets most of the dimensional requirements (except for the side setback), and the site could be considered to be within walking distance of one or more village centers, the Planning Department believes this site is an appropriate location for the proposed use. *The Planning Department, however, remains concerned that the unit sizes are larger than the existing (neighborhood) average and would recommend a reduction in the height and length of the proposed new units.*

2. The use as developed and operated will not adversely affect the neighborhood.

The Planning Department recognizes the proposed development is well located in relationship to the Auburndale and West Newton village centers and availability of public transportation. *However, the Planning Department remains concerned that the unit sizes are larger than the existing (neighborhood) average and would recommend a reduction in the height and length of the proposed new units.*

The Planning Department notes that there are a number of large lots in the immediate neighborhood (>15,000 sq. ft.) that could potentially accommodate attached dwelling developments in the future (by special permit). Additionally, many of the structures in the immediate neighborhood were built before 1900 making this a largely intact historic streetscape (though many of the structures have been vinyl sided) with significantly smaller units than those proposed. Although this use as developed and operated will not adversely affect the neighborhood, each change in use could adversely affect the character of this neighborhood *IF* attached dwelling units are not designed to complement the existing housing stock. For that reason, the Planning Department would recommend that the petitioner reduce the overall height of the proposed new units and consider a detached garage structure, in place of an attached garage, to reduce the length of the overall three-unit structure (*approximately 185 ft. long*).

VI. COMPARISON OF THE PROJECT TO THE DRAFT COMPREHENSIVE PLAN

The Planning Department has reviewed the proposed petition in light of the October 2006 Draft *Newton Comprehensive Plan*, which is currently docketed with the Board of Aldermen.

The Draft Comprehensive Plan suggests that housing opportunities should be found in areas that can support high density multi-family uses. The subject property appears to be in an area consistent with this suggestion, as it could be considered within walking distance to both Auburndale and West Newton village centers, and MBTA commuter rail and express bus service to and from the City of Boston.

One of the other goals of the Draft Comprehensive Plan is to maintain and add to the economic diversity of housing in the City, particularly for those people who cannot afford to buy housing in Newton (given median housing values) but also who do not qualify for any of the affordable housing units that may be available. While the Planning Department believes that attached dwelling units (use) is appropriate for this site; a greater diversity in the size of the units (*and reduction in overall bulk*) would be an added benefit. The Planning Department would recommend that the size of one unit be reduced, and the re-alignment of interior spaces be done in such a way to provide a greater variety in the number of bedrooms among the units.

VII. SUMMARY

The petitioner is seeking approval of a special permit to allow for 3 attached dwelling units, on the 20,440 sq. ft subject property. As proposed, two new attached dwelling units would be added onto the rear of an existing single-family dwelling. The petitioner is proposing a total of 6 parking stalls on site, all in garages. The site is abutted by two-family residences to the north and south and by an NStar electric transmission station to the east. There is a 10 ft. wide easement, which runs along the southerly side lot line for underground electric transmission lines that connect to the transmission station located on land owned by NStar.

The proposed site and structures meet all of the dimensional requirements for attached dwellings in an MR-1 District except for the existing and proposed east side setback. The existing house is 10.1 ft. off the east side lot line. The Planning Department notes that a portion of the proposed addition is also as close as 10.1 ft. off the same lot line. The proposed FAR for this project is .37, which is slightly less than the FAR that would be permitted by right for a two-family dwelling.

The Planning Department notes there is a wide paved area towards the front of the site, adjacent to the existing house. The petitioner should address what this area is intended for and the possibility of removing any unnecessary impervious surface on-site. If this area is intended for visitor parking the use of alternative materials should be explored.

The site is located in a Multi-Residence 1 District, which is comprised primarily of a mix of single- and two-family dwellings. Given that the proposed design meets most of the dimensional requirements (except for the side setback), and the site could be considered to be within walking distance of one or more village centers, the Planning Department believes this site is an appropriate location for the proposed use. *The Planning Department, however, remains concerned that the unit sizes are larger than the existing (neighborhood) average and would recommend a reduction in the height and length of the proposed new units.*

At the public hearing the Petitioner should be expected to respond to all issues raised by the Associate City Engineer, Fire and Planning Departments.

Zoning Review Memorandum ATTACHMENT A

Dt: June 6, 2007

To: Sam Leary, Trustee, 94 Crescent St. Realty Trust represented by G. Michael Peirce, Esq.

Fr: Juris Alksnitis, Chief Zoning Code Official



Cc: Michael Kruse, Director, Department of Planning and Development
John Lojek, Commissioner of Inspectional Services

Re: Proposed three-dwelling attached unit development

Applicant: S. Leary, Trustee, 94 Crescent St. Realty Trust

Site: 94 Crescent St.

SBL: Section 33, Block 06, Lot 35'

Zoning: Multi-Residence 1

Lot Area: 20,440 sq. ft. per plan

Current use: Single-family dwelling

Prop. use: 3 att. dwelling units

Background:

The petitioner seeks to add two attached dwelling units to an existing single-family dwelling for a total of 3 Att DU. The subject development requires a special permit pursuant to the Newton Zoning Ordinance, Sec. 3-9(b)(5) and 30-24.

Administrative determinations

1. Based on information provided by the applicant, the subject lot was created in 1894, does not appear to have changed, and is considered a pre-53 lot. The petitioner is responsible for resolving any lot size differences between submitted documents showing the lot as having 20,440 sq. ft. and the City's GIS system, which indicates a lot size of 20,616 sq. ft. The noted variation in lot size does not affect the results of site analysis for compliance with applicable density and dimensional controls as discussed below. The following analysis is based upon the submitted plans and information referenced in Plans and materials reviewed, below, including recently received revised plans and calculations.
2. The subject property is located in an MR-1 zone, which accommodates single-family dwellings as of right, and attached dwelling units subject to grant of a special permit and subject to meeting certain dimensional requirements as established in Section 30-9(b)(5). Both 1F and attached dwelling units are subject to respective applicable requirements per Section 30-15, *Table 1, Density & Dimensional Controls in Residence Districts and for Residential Uses* (Table 1). In addition, the proposed development must satisfy applicable parking requirements as established in Section 30-19 and secure site plan approval from the Board of Aldermen per Sections 30-23 and 30-24.
3. The applicant has provided an analysis, which indicates that the proposed 3-unit development satisfies *Section 30-1, Definitions, "Dwelling, attached"* (See Ordinance X-38). Submitted plans indicate that the proposed development meets Table 1 requirements with the exception of the side setback on the northerly side. Table 1 requires a 25 ft. side setback in the MR-1 zone, but proposed plans locate various elements of all units closer than 25 ft. to the side lot line including

the addition to Unit 1 at 10.1 ft. from this lot line. In addition, the existing 1F house currently located 10.1 ft. from the subject side lot line complies with the pre-1953 side setback requirement of 7.5 ft. However, when converted to attached dwelling Unit 1, it will also encroach within the 25 ft. side setback. While the petitioner may seek relief pursuant to Section 30-9(b)(5)b) to reduce the side yard setback, he must also provide an explanation as to how such relief meets one or more of the required criteria enumerated in (5)b).

4. *Section 30-15, Table 1*, establishes the FAR of 0.4 for 1F development in the MR-1 zone, but provides no limit applicable to attached dwellings. Submitted architectural plans indicate that the total FAR for the overall development is approximately 0.37. The total FAR allowed is subject to the discretion of the Board of Aldermen pursuant to the special permit review and approval process.
5. *Section 30-19(d)(2)* establishes the number of parking stalls required by the proposed development as six (6) spaces, which are all in proposed garages. While *Section 30-19(h)(2)c)* requiring handicapped spaces does not apply given the parking configuration at this site, the applicant may wish to consider providing HP parking for potential future residents with disabilities.
6. *Sections 30-9(a)(1)* in conjunction with *30-8(b)(7)* together with *30-9(b)(5)a)*, *30-15(m)(5)* and *30-19(g)* establish the applicable garage, driveway dimensional, and driveway setback requirements. The proposed garages and driveway meet these requirements except in the case of the two garages associated with unit 2. Each of the two single-car garages contains parking spaces short of the minimum 19 ft. stall length. The applicant may elect to revise plans to ensure a 19 ft. stall length, or seek a waiver per *Section 30-19(m)*. In addition, *Section 30-15(m)(5)a)* in conjunction with *30-8(b)(7)* limits the number of garages to 1 per dwelling, necessitating a *Section 30-19(m)* waiver for the second garage.
7. *Section 30-5(b)(4)* requires a special permit whenever "...the existing contours of the land are to be altered by more than three (3) feet." The applicant states that the proposed work will not involve re-grading with changes in topography exceeding three feet. This should be noted on proposed plans.
8. *Section 30-23(b)(6)* in conjunction with *Section 30-24(a)* requires the submittal of a landscape plan. While the petitioner has provided a landscape plan, it does not address the removal and replacement of existing trees having significant caliper, including a 26" Oak tree. The petitioner is responsible for providing this information and for complying with Sections 20-31 through 20-39, *Tree Preservation Ordinance*.
9. *Section 30-24(f)(3), Inclusionary Units*, requires 15% of total units, in this case one (1) unit, be designated for affordable housing where a special permit is required for development. However, *Section 30-24(f)(4), Cash Payment*, allows an applicant to make cash payment in lieu of providing an affordable unit when the total number of dwelling units proposed in the development will not exceed six units. The petitioner's attorney has stated that the applicant intends to make a cash payment to pursuant to *Section 0-24(f)(4)*.
10. As no signage is proposed, the applicant has submitted no information pertaining to signage. Should this change, the petitioner is responsible for following the procedures and requirements pertaining to the review, approval, and permitting of signs as established in *Section 30-20*.

11. While the applicant has submitted no information pertaining to lighting, the petitioner is responsible for complying with Ordinance X-142, Light Ordinance, as set out in Sections 20-23 through 20-28 with respect to *Light Pollution* and *Light Trespass*, respectively. The applicant's attorney has stated that no lighting other than standard house lights at doors and over garages will be utilized.
12. While the applicant has submitted no information pertaining to fences, the petitioner is responsible for meeting the requirements of *Section 20-40, Regulation of Perimeter Fences*.
13. The existing 1 F was built approximately at 1900 and is subject to *Section 22-44, Demolition Delay* provisions that apply to buildings over 50 years old. The Newton Historical Commission reviewed the project on February 22, 2007 and noted that the existing rear addition was deemed "Not Preferably Preserved", while also stating that the original rear façade pre-dating the addition was deemed "Preferably Preserved." The Sr. Preservation Planner has reviewed the current submitted plans and determined that as the alterations will affect only that portion deemed "Not Preferably Preserved", further review by the Commission is not needed.
14. See "Zoning Relief Summary" below.

<i>Ordinance</i>	<i>Zoning Relief Summary</i>	<i>Action Req</i>
	Building	
30-15, Table 1 30-9(b)(5)b)	Approval to reduce side setback from 25 ft. to 10.1 ft. along the northerly side lot line.	X
	Use	
30-9(b)(5)	Approval of 3 single family attached dwellings in one group in the MR-1 zone.	X
	Driveway	
	N/A	N/A
	Parking	
30-15(m)(5) 30-19(m)	Waiver to allow more than one garage per dwelling, i.e. 2 single-car garages at Unit #2 on either side.	X
30-19(g)(2) 30-19(m)	Waiver to reduce dimensions of two parking stalls within the two single-car garages of Unit #2 from 9 ft. x 19 ft. to size shown on plan.	X
	Site	
30-23	Approval of site plan, including landscape plan	X
	Signs	
	N/A	
	Special Permit	
30-24(d)	Approval of special permit	X

Plans and materials reviewed: _____ 4

- Record of Action, Newton Historical Commission, February 26, 2007
- Record of Action on Application for Tree Removal Permit, approving application, December 4, 2006.
- Certification as to Compliance with Definitions of Attached Dwelling and Two-Family Dwelling, 3/22/2007.

Plan set titled "New Triplex Residence, 94 Crescent St., Newton, MA 02458", dated October 28, 2006, last revised March 3, 2007, prepared by Ronald F. Jarek, Architect, 487 Watertown St., Newtonville, MA, 02460, stamped and signed by Ronald F. Jarek, Registered Architect, consisting of the following:

- Sheet S-1 – Building Site Plan
 - Sheet S-2 – Roof Site Plan
 - Sheet X-1 – Existing Conditions Drawings
 - Sheets A-1a, 2a & 3a – Unit #1 Floor plans, roof plan, and section
 - Sheets A-1b, 2b & 3b – Unit #2 Floor plans and roof plan
 - Sheets A-1c, 2c & 3c – Unit #2 Floor plans and roof plan
 - Sheet A-4b – Elevations
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- Plan set titled "94 Crescent St., Newton, MA", dated March 6, 2007, prepared by Verne T. Porter, Jr., PLS, Land Surveyors – Civil Engineers, 354 Elliot St., Newton, MA 02464, stamped and signed Verne T. Porter, Jr. Land Surveyor and Stephen Poole, Registered Civil Engineer, consisting of the following:
 - Sheet 1 of 3 – Proposed Building and Drive Location
 - Sheet 2 of 3 – Existing Conditions Site Plan
 - Sheet 3 of 3 – Area Plan
-
- Plan titled "Landscape Design Plan, 94 Crescent St., Newton, MA", dated March 26, 2007, prepared by Judge Design Associates, stamped, but not signed by John T. Judge, Registered Landscape Architect. [Note: this plan received from petitioner 6/6/07.]
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- Letter from Ronald F. Jarek, Architect, dated June 4, 2007, stamped and signed by Ronald F. Jarek, Registered Architect, enclosing details and calculations pertaining to 1/2 stories and dormers as follows:
 - Attachment 4 – High Roof Unit 1 Half Story Diagram
 - Attachment D – High Roof Half Story Calculation – Unit 1
 - Attachment 3 – Garage Roof Unit 1 Half Story Diagram
 - Attachment E – Garage Roof Half Story Calculation – Unit 1
 - Attachment 1 – High Roof Units 2 or 3 Half Story Diagram
 - Attachment A – High Roof Half Story Calculation – Unit 2, Unit 3 Opp. Hand Including Shed and Gable Dormer
 - Attachment 2 – Garage Roof Units 2 or 3 Half Story Diagram
 - Attachment B – Garage Roof Half Story Calculation – Unit 2, Right or Left Hand

**CITY OF NEWTON
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghlion, Associate City Engineer

Re: Special Permit – 94 Crescent Street

Date: June 28, 2007

CC: Lou Taverna, PE City Engineer (via email)
Nancy Radzevich, Chief Planner (via email)
Linda Finucane, Associate City Clerk (via email)
Alexandra Ananth, Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*94 Crescent Street
Proposed Building & Driveway Location
Newton, MA
Prepared by: Verne t. Porter, Jr., PLS
Dated: June 6, 2007*

Drainage:

- > The drainage analysis is correct for the City of Newton's 100-year storm event. All runoff from impervious areas are infiltrated on site.

Water:

- > The proposed water service for the rear units will have to be enlarged to 1-1/2" since they are over 200 feet in length.

Sewer:

1. The profile has a major error in the sewer elevations, the datum begins at elevation 46-feet, yet the invert elevation for the existing main is at 139.33 –feet. Then the invert elevation at the proposed sewer manhole is at elevation 58.5-feet. The proposed sanitary sewer services and elevations must be corrected.
2. The existing water & sewer services to the dwelling shall be cut and capped at the main and be completely removed from the site and properly back filled. The Engineering Division must inspect this work; failure to having this work inspected my result in the delay of issuance of the Utility Connection Permit.
3. In concert with the installation of the utilities, and new granite curbing the concrete sidewalks should also be replaced.

General:

1. All tree removal shall comply with the City's Tree Ordinance.
2. How will trash collection be handled for this development?
3. Are the dwellings to be serviced by gas, if so the locations of the services need to be indicated so that there are no conflicts with between the proposed utilities.
4. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
5. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
6. The applicant will have to apply for a Building permits with the Department of Inspectional Service prior to any construction.
7. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*

8. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

If you have any questions or concerns please feel free to contact me @ 617-796-1023.



David B. Cohen
Mayor

CM" OF NEWTON, MASSACHUSI

Department of Planning and Development
Michael j. Kruse, Director

^ATTACHMENT C

Telefax
(617) 796-1142

E-mail
micruse@ci.newton_ma.us

Newton Historical Commission Demolition Review Decision

Date: 12/11/01 "Tr" _____ Zoning & Dev. Review Project # _____

Address of structure: _____

Type of building : _____

If partial demolition, feature to be demolished is _____

The building or structure:

is **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

is **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.
Demolition is not delayed and no further review is required.

Because the building or structure:

is **is not** in a local historic district.

is **is not** on the National Register.

is **is not** historically or architecturally important at the local, State or federal level.

is **is not** located within 150 feet of a local historic district.

The building and/or feature (partial demolition):

 is **PREFERABLY PRESERVED – PLEASE SEE BELOW.**

 is **NOT PREFERABLY PRESERVED – Demolition is not delayed.**

Demolition

is delayed until

is not delayed because the delay has been **WAIVED – see attached for Conditions.**

Determination made by: See Attached Decision



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

Michael J. Kruse, Director

Telephone-

(617)-796-1170

Telefax

(617) 796-1142

David B. Cohen
Mayor

RECORD OF ACTION

DATE: February 26, 2007

SUBJECT: 94 Crescent Street — Demolition Review — Rear Facade and Addition

At a scheduled meeting and public hearing on February 22, 2007 the Newton Historical Commission, by a vote of 6 to 0, passed the following motion:

RESOLVED to find the rear addition-of the ca. 1900 Vernacular style dwelling to be **Not Preferably Preserved** as it is not original to the structure and does not contribute to its architectural character \kith the proviso that any additional demolition is not covered by this decision and that the Board of Aldermen is invited to send the project to the Commission for further review when plans are available.

FURTHER RESOLVED to find the right façade to be **Preferably Preserved** as it is an original architectural element of the building which contributes to its design.

Voting in the Affirmative: John Rodman, Chairman; Rodney Barker, William Roesner, Donald Tellalian, Nancy Grissom, Donald Lang

Lara Kritzer;Act g Secretary

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